

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
\_\_\_\_\_JUDICIAL DISTRICT  
IN THE CHILDREN'S COURT

STATE OF NEW MEXICO ex rel.  
CHILDREN, YOUTH AND FAMILIES DEPARTMENT

No. \_\_\_\_\_

In the Matter of

\_\_\_\_\_, (a) Child(ren), and Concerning,  
\_\_\_\_\_, Respondent(s).

**MOTION FOR ORDER ALLOWING IN-PERSON VISITS TO CONTINUE**

COMES NOW the New Mexico Children, Youth and Families Department (CYFD),  
Petitioner, and in support of this Motion for Order Allowing In-Person Visits to Continue, states  
as follows:

1. On March 27, the New Mexico Supreme Court issued a blanket order suspending  
visits between children in CYFD's legal custody and respondent parents for thirty days.

2. The Supreme Court's order permits the district court to exercise its discretion to  
allow in-person visitation between children and respondent-parents upon the recommendation of  
CYFD and a showing by clear and convincing evidence that measures are taken with respect to  
the in-person visitation to ensure the safety and well-being of the children during the current  
public health emergency.

3. CYFD is recommending in-person visits take place between Respondent  
\_\_\_\_\_, and \_\_\_\_\_ (*child(ren)*) based on the  
following:

Remote visitation will not meet the developmental needs of  
\_\_\_\_\_ (*child(ren)*) because \_\_\_\_\_ (*child(ren)*) is of  
insufficient age or developmental capacity to participate in remote visitation in a manner that  
will maintain or assist in establishing a bond with the child's parent.

**AND/OR**

A trial home visit is scheduled to start on \_\_\_\_\_ (*date*) and  
suspension of visits will adversely impact the ability of \_\_\_\_\_ (*child(ren)*) to  
reunify with Respondent(s) \_\_\_\_\_.

**AND/OR**

The child's well-being will be adversely impacted if in-person visits are  
suspended due to \_\_\_\_\_ (*individual information about the child*),

*including considerations such as a child's cultural identity cannot be maintained through remote visits or a child's language will be disrupted).*

4. CYFD is recommending the following in-person visitation plan: *(describe where in-person visits will be held, how long the visit will be and frequency of visits)*

5. CYFD determined that Respondent \_\_\_\_\_, \_\_\_\_\_(child(ren)), and foster parents have not been exposed to COVID-19 based on international or interstate travel within the last 14 days, contact with anyone diagnosed with or screened for COVID-19, working in a health care setting that has confirmed COVID-19 cases and has not displayed symptoms of fever, dry cough or new shortness of breath in the last 14 days.

6. CYFD has taken the following measures with respect to in-person visits to ensure the safety and well-being of \_\_\_\_\_(child(ren)) during this public health emergency: *(specify case-specific measures)*

7. A hearing on this motion should be set as soon as possible.

8. The guardian *ad litem* for \_\_\_\_\_(child(ren)) was contacted and concurs with/opposes this motion; the youth attorney for \_\_\_\_\_(child(ren)) was contacted and concurs with/opposes this motion; counsel for Respondent \_\_\_\_\_ was contacted and concurs with/opposes this motion; counsel for Respondent \_\_\_\_\_ was contacted and concurs with/opposes this motion.

WHEREFORE, Petitioner prays that this Court enter its order:

1. Permitting in-person visits between Respondent(s) \_\_\_\_\_ and \_\_\_\_\_(child(ren)) to continue as set forth in finding number four above.

2. Setting a hearing on this motion as soon as possible.

\_\_\_\_\_  
Attorney name  
Children's Court Attorney  
Children, Youth and Families Department  
Attorney address  
Attorney email  
Telephone: \_\_\_\_\_